

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE SIDE****WRIT PETITION NO. 9817 OF 2003**

 Office Notes, Office
 Memoranda of Coram,
 appearances, Court's
 orders or directions
 and Registrar's orders.

Court's or Judge's orders

Ms. Vaidehi Mhaispurkar for Petitioner.

Mr. C.R. Sonawane, A.G.P. for Respondent
No. 2.CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : JANUARY 28, 2005

P.C.

. Rule. Heard forthwith.

. The University and College Tribunal Pune
 University in appeal No. 48/97(s) had
 allowed the appeal preferred by the
 Petitioner herein. The tribunal gave a
 direction that the Petitioner is in
 continuous service of Respondent No. 1 and
 2 in that petition with effect from
 1.12.1994 and further that the petitioner
 herein is permanent and confirmed full time
 teacher in the college of Respondent Nos.
 1 and 2 in that petition and she is

entitled to all benefits of a permanent teacher. The Respondent Nos. 1 and 2 therein were directed to reinstate the petitioner herein and to pay her arrears of salary from 1.12.1994 till the date of reinstatement. Respondent No. 5 therein Jt. Director of Higher Education was directed to release the salary grant of the Petitioner herein on full time post of teacher from 1.10.1999. The State of Maharashtra aggrieved by the directions issued to the Jt. Director preferred a petition before this Court being Writ Petition No. 3465 of 2000. That Petition came to be allowed by order dated 19.12.2000. An L.P.A. was preferred being L.P.A. No. 66 of 2003. By order of 10.3.2003, the learned appellate Bench of this court observed that the directions issued by the tribunal be treated as recommendation under Sub Section (3) of Section 61 of the Act.

. Pursuant to that, the Jt. Director of Higher Education has released the arrears of salary. The grievance of the Petitioner however, is that though arrears of salary has been released, the petitioner has not been fixed in the proper time scale nor given benefits applicable to such time

scale including increments to which she would be entitled to. The second grievance is that as a permanent teacher the petitioner is entitled to have provident fund number and that too has not been given to the petitioners. Both acts are required to be done by the Joint Director, Higher Education.

. The learned counsel for the Petitioner further points out that by letter dated 8th January, 2005 the University has forwarded the pay fixation to the Joint Director of Higher Education, Kolhapur. It is also pointed out that in so far as Provident Fund is concerned, the college has submitted necessary papers to the Joint Director for getting permanent provident fund number. This was also on 8th January, 2005.

. Considering the above, Respondent No. 1 is directed to take decision on both pay fixation and allotment of Provident Fund Number on receipt of the papers from the university and the college authority respectively and within twelve weeks from such receipt, and accordingly comply with the order of the College tribunal as explained by the Division Bench of this [

Court in its order dated 10.3.2003.

. Rule made absolute accordingly. No
order as to costs.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)